

ENTERED

April 04, 2025

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANTHONY HUTCHISON,

Plaintiff,

V.

**FRANKLIN CREDIT
MANAGEMENT CORP. AND
KENSINGTON, LLC,**

Defendants.

Civil Action No. H-25-0779

ORDER

Pending before the Court is Plaintiff's Motion to Nonsuit with Prejudice and for Remand (Document No. 3). On March 4, 2025, the Court granted the motion in part, allowing Defendant Franklin Credit Management Corporation to be removed from the case.¹ In that Order, the Court deferred ruling on whether remand is appropriate in the present matter until the remaining Defendant Kensington LLC, had an opportunity to respond.² Having considered the motion, defendant's submissions, and applicable law, the Court finds that diversity amongst the parties does not exist such to satisfy the legal standard for the Court to wield jurisdiction. Considering the Fifth Circuit's clear guidance that when a federal court lacks subject

¹ *Court Order*, Document No. 6 at 1.

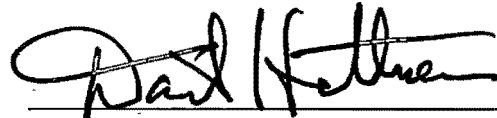
² *Court Order*, Document No. 6 at 2.

matter jurisdiction the case must be remanded to state court, the Court finds that the motion should be granted and the case should be remanded back to the 127th Judicial District of Harris County, Texas. Accordingly, the Court hereby

ORDERS that Plaintiff's Motion to Nonsuit with Prejudice and for Remand (Document No. 3) is **GRANTED**. The Court further

ORDERS that this matter be remanded back to the 127th Judicial District of Harris County, Texas.

SIGNED at Houston, Texas, on this 3 day of April, 2025.

A handwritten signature in black ink, appearing to read "David Hittner", is written over a horizontal line.

DAVID HITTNER
United States District Judge